

ARNOLD &amp; PORTER

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Washington, DC 20004-1206**RUSH**

Fax Transmittal

**RUSH**

May 12, 2003

| RECIPIENT NAME(S)  | RECIPIENT FAX NUMBER(S)   | RECIPIENT TELEPHONE NUMBER(S)  | RECIPIENT ROOM #(S) |
|--|---------------------------|--|---------------------|
| U.S. Patent and Trademark Office<br>Attn: Examiner Juliet C. Einsmann                                      | (703) 746-5142            | (703) 306-5824   |                     |
| SENDER   | SENDER'S TELEPHONE NUMBER | SENDER'S ROOM NUMBER   |                     |
| Holly Logue Prutz<br>Reg. Attorney No. 47,755  | (202) 942-5243            | 1194A  |                     |
| CLIENT/MATTER NUMBER   | TIMEKEEPER NUMBER         | NUMBER OF PAGE(S)  |                     |
| A&P Ref. No.: 16517.132  | 4998                      | We are transmitting 51 page(s) (including this cover sheet)  |                     |
| TRANSMISSION DEADLINE (DATE & TIME)  |                           | ALTERNATE TELEPHONE NUMBER (OPTIONAL)  |                     |
| This document must be transmitted no later than:<br>May 12, 2003 - ASAP                                    |                           | Alternate telephone number at which the sender can be reached if there are difficulties with this fax:<br>Deborah R. Hicks at (202) 942-6473 |                     |
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| <b>MESSAGE</b>   |                           |  |                     |

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**ARNOLD & PORTER**

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**Holly Logue Prutz**  
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202.942.5999 Fax555 Twelfth Street, NW  
Washington, DC 20004-1206

May 12, 2003

*via FACSIMILE*Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450*Attn: Examiner Juliet C. EINSMANN*Re: U.S. Patent Application No. 09/552,087  
Filed: April 21, 2000  
Title: **Nucleic Acid Molecules and Other Molecules Associated with Plants**  
Inventor: Joseph R. BYRUM  
Atty. Docket: 16517.132/15786B

Dear Examiner Einsmann:

Pursuant to our telephone conversation today, attached are copies of the following documents that were previously filed in the U.S. Patent and Trademark Office (USPTO) on January 7, 2003:

1. Transmittal letter;
2. Appointment of Associate Attorneys;
3. Amendment and Response;
4. Request for Deletion of Inventor;
5. Request for Corrected Filing Receipt;
6. Copy of Updated Filing Receipt with corrections noted in ink;
7. Information Disclosure Statement;
8. Form PTO-1449 (1 page) with two (2) accompanying references; and
9. Postcard receipt date-stamped by the U.S. Patent and Trademark Office mailroom.

Please enter these items in the official file wrapper of the above-referenced application.

Washington, DC    New York    Los Angeles    Century City    Denver    London    Northern Virginia

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ARNOLD & PORTER

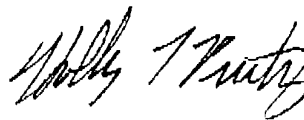
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Commissioner for Patents  
May 12, 2003  
Page 2

It is our understanding that the Patent Office inadvertently misplaced the original documents that were submitted to the USPTO mailroom on January 7, 2003. Therefore, Applicants do not believe that any fees are due in conjunction with the submission of these documents. However, if any fees are required in the present application, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter Deposit Account No. 50-2387, referencing matter number 16517.132.

If the Examiner has any further questions, please do not hesitate to contact me directly at (202) 942-5243.

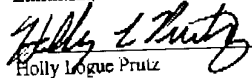
Respectfully submitted,



Holly Logue Prutz, Reg. No. 47,755

Attachments

I hereby certify that this transmittal letter and the listed documents are being facsimile transmitted to the attention of Examiner Juliet C. Einsmann, via facsimile number (703) 746-5142.

  
Holly Logue Prutz

May 12, 2003  
Date

COPY

Atty. Docket No: 16517.132/38-21(15786)B  
Date: January 7, 2003

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Joseph R. BYRUM

Appl. No.: 09/552,087

Filing Date: April 21, 2000

Title:

Nucleic Acid Molecules and Other Molecules Associated with Plants

1634

Art Unit:  
Examiner: Juliet C. EINSMANN

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Please place the U.S. Patent and Trademark Office receipt stamp hereon to acknowledge receipt of the following:

1. Transmittal letter (in duplicate);
2. Appointment of Associate Attorneys;
3. Amendment and Response;
4. Request for Deletion of Inventor;
5. Request for Corrected Filing Receipt;
6. Copy of Updated Filing Receipt with corrections noted in red ink;
7. Information Disclosure Statement;
8. Form PTO-1449 (1 page) with two (2) accompanying references; and
9. Return postcard.

Return postcard to: Holly Logue Fritz, Room 1194A



**COPY****ARNOLD & PORTER****Holly Logue Prutz**  
Holly\_Prutz@aporter.com202.942.5243  
202.942.5999 Fax555 Twelfth Street, NW  
Washington, DC 20004-1206

January 7, 2003

Commissioner for Patents  
Washington, D.C. 20231

Re: U.S. Patent Application No. 09/552,087  
Filed: April 21, 2000  
Title: **Nucleic Acid Molecules and Other Molecules Associated with Plants**  
Inventor: Joseph R. BYRUM  
Atty. Docket: 10517.132/38-21(15786)B

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office (USPTO):

1. Appointment of Associate Attorneys;
2. Amendment and Response;
3. Request for Deletion of Inventor;
4. Request for Corrected Filing Receipt;
5. Copy of Updated Filing Receipt with corrections noted in red ink;
6. Information Disclosure Statement;
7. Form PTO-1449 (1 page) with two (2) accompanying references; and
8. Return postcard

Please stamp the postcard with the filing date of these documents and return it to our courier.

Washington, DC

New York

Los Angeles

Century City

Denver

London

Northern Virginia

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## ARNOLD & PORTER

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Commissioner for Patents  
January 7, 2003  
Page 2

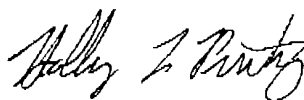
Applicant requests that the following fees be charged to Deposit Account No. 50-2387, referencing matter number 16517.132:

\$130.00 fee for correcting inventorship; and

\$180.00 fee for submitting an Information Disclosure Statement.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicant does not believe any additional fees are due in conjunction with this filing. However, if any additional fees under 37 C.F.R. §§ 1.16 or 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter Deposit Account No. 50-2387, referencing matter number 16517.132. A duplicate copy of this letter is attached.

Respectfully submitted,



Holly Logue Prutz (Reg. No. 47,755)  
June E. Cohen (Reg. No. 43,741)

Attachments

COPY

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Joseph R. BYRUM

Art Unit: 1634

Appln. No.: 09/552,087

Examiner: Juliet C. EINSMANN

Filed: April 21, 2000

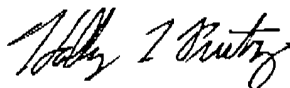
Atty. Docket: 16517.132/38-21(15786)B

Title: **Nucleic Acid Molecules and Other  
Molecules Associated with Plants****Request for Deletion of Inventor**

In accordance with 37 C.F.R. § 1.48(b), Applicant's representative hereby requests that David K. Kovalic, correctly named as an inventor in the above-captioned application as filed, be deleted as a result of the inventor's invention no longer being claimed. In response to the restriction requirement imposed by the Office in the Office Action mailed September 19, 2001, and made final in the Office Action mailed September 20, 2002, claims directed to subject matter invented by David K. Kovalic have been cancelled in the accompanying Amendment and Response filed herewith.

Applicants respectfully request that the fee required under 37 C.F.R. § 1.17(i) be charged to Arnold & Porter Deposit Account No. 50-2387, referencing matter number 16517.132.

Respectfully submitted,



Holly Logue Prutz (Reg. No. 47,755)  
June E. Cohan (Reg. No. 43,741)

Date: January 7, 2003

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(202) 942-5999 facsimile

COPY

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Joseph R. BYRUM

Appln. No.: 09/552,087

Filed: April 21, 2000

Title: **Nucleic Acid Molecules and Other  
Molecules Associated with Plants**

Art Unit: 1634

Examiner: Juliet C. EINSMANN

Atty. Docket: 16517.132/38-21(15786)B

## REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents  
Washington, D.C. 20231*Attn: Office of Initial Patent Examination's Filing Receipt Corrections*

Sir:

Attached is a copy of an Official Filing Receipt issued by the U.S. Patent and Trademark Office for the above-referenced application for which issuance of a corrected filing receipt is respectfully requested. It is noted that there is an error with respect to the following data:

**Under the heading "Domestic Priority data as claimed by applicant", the following U.S. provisional and non-provisional applications should be listed:**

09/521,640

09/421,106

60/130,465.

In support of these corrections, Applicant submits herewith an Amendment that supplies the relationship of the corrected priorities claimed. Accordingly, Applicant's representative agent respectfully requests that the listing of priority date be corrected as indicated above.



Joseph R. BYRUM  
Appln. No.: 09/552,087  
Page 2

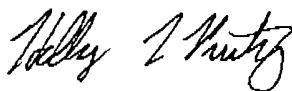
Applicant further notes that the Attorney Docket Number listed on the Filing Receipt is incorrect. The Attorney Docket Number should read:

16517.132/38-21(15786)B.

Accordingly, Applicant's representative agent respectfully requests that the listing of Attorney Docket Number be corrected as indicated above.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicant does not believe that any fees other than those provided for in the accompanying documents are due at this time. However, if any fees under 37 C.F.R. §§ 1.16 or 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-2387, referencing docket number 16517.132.

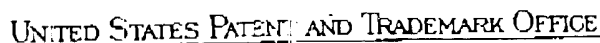
Respectfully submitted,



Holly Logue Prutz (Reg. No. 47,755)  
June E. Cohan (Reg. No. 43,741)

Date: January 7, 2003

ARNOLD & PORTER  
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| APPLICATION NUMBER | FILING DATE | DISPART UNIT | FIL FEE REC'D | ATTY DOCKET NO | DRAWINGS | TOT CLAIMS | INO CLAIMS |
|--------------------|-------------|--------------|---------------|----------------|----------|------------|------------|
| 09/552,087         | 04/21/2000  | 1649         | 920           | 46547-485      |          | 11         | 4          |

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Received from < 202 942 5999 > at 5/12/03 6:08:12 PM [Eastern Daylight Time]

Data entry by : NGUYEN, NGAN

Team : OIPE

Date: 06/22/2001

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000

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**Title 37, Code of Federal Regulations, 5.11 & 5.15**

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**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231